

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. SA CR03-00025-AHS

Date March 9, 2011

Present: The Honorable **ALICEMARIE H. STOTLER, U.S. DISTRICT JUDGE**

Interpreter None

Loretta Anderson

Deborah Parker

Brett Sagel

*Deputy Clerk**Court Reporter/Recorder**Assistant U.S. Attorney*U.S.A. v. Defendant(s):Present Cust. BondAttorneys for Defendants: Present App. Ret.

1) James Davis Bennett

X

X

1) Robison D. Harley, CJA

X

X

Proceedings: FURTHER STATUS CONFERENCE AFTER REMAND FOLLOWING APPOINTMENT OF COUNSEL (PREVIOUSLY SET AS RE-SENTENCING AFTER REMAND)

Court's tentative ruling re Defendant's Request for Supplemental Presentence Report, distributed to parties prior to hearing, a copy of which is attached hereto.

Cause called. Counsel appear.

Court and counsel confer. Court grants Defendant's Request for Supplemental Presentence Report ("PSR"). United States Probation Office shall issue a Supplemental PSR on or before May 9, 2011, pursuant to the attached tentative ruling. Parties sentencing position papers shall be filed no later than May 27, 2011.

Defendant's Re-Sentencing After Remand is set for June 17, 2011, at 2:00 p.m. in Courtroom 6B. Counsel shall advise the Court by way of Stipulation and proposed Order should this hearing need to be re-scheduled.

_____ : 03

Initials of Deputy Clerk lma

cc: USMS-SA
USPO-SA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

THE HONORABLE ALICEMARIE H. STOTLER, JUDGE, PRESIDING

TENTATIVE RULING ORDERING SUPPLEMENTAL
PRE-SENTENCE REPORT AND SETTING RE-SENTENCING

March 9, 2011, Calendar No. 1

CASE: United States of America v. James Davis Bennett
SA CR 03-25 AHS

PROCEEDING: Further Status Conference After Remand Following
Appointment of Counsel

On February 23, 2011, during a further status conference after remand, defendant requested legal representation and the Court appointed counsel.

On March 4, 2011, through counsel, defendant filed his "Supplemental Re-Sentencing Position." (Doc. No. 508.) Defendant requests a supplemental Presentence Report ("PSR") to develop facts regarding defendant's post-sentence rehabilitation and conduct in prison, in order to develop facts regarding defendant's background, character, and conduct. (Id. at 5.)

In light of the U.S. Supreme Court's recent ruling in Pepper v. United States, — S. Ct. —, 2011 WL 709543 (No. 09-6822 Mar. 2, 2011), the Court grants defendant's request. The United States Probation Office shall issue a supplemental PSR on or before May 9, 2011. The report shall discuss any post-commitment conduct or rehabilitation by defendant as it is relevant to re-sentencing. It shall also discuss the continued impact, if any, of defendant's conduct on his victims/victim entities through updated information regarding the victims.

Defendant's re-sentencing hearing is hereby set for June 17, 2011, at 2:00 p.m. The parties' sentencing position papers shall be filed no later than May 27, 2011.